Supreme Court, U.S.

001827 MAY 17 2001

OFFICE OF THE CLERK

No.

In The

SUPREME COURT OF THE UNITED STATES

Thamar E. Williams
Petitioner

v.

Watts-Willowbrook Church of Christ,
a nonprofit corporation; et al.,
Respondents

TO THE UNITED STATES COURTS OF APPEAL FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI
SUPPLEMENTAL
APPENDIX

Thamar E. Williams, pro se
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Lynwood, California 90262
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FORWARD

At the request of the Court's Clerk, Jeff Atkins, the Original Plaintiff, Thamar E. Williams was asked to submit to the Court a Supplemental Appendix containing the "Report" of the Honorable Magistrate Judge, Robert Block which was adopted by the District Court, The Honorable Judge Howard Matz, per a "PLACED IN FILE-NOT USED (ORDER)." As of May 17, 2001, the Clerk of the Court granted a two week extension from the 90 day deadline to May 24, 2001 [which date extended from the last decisions (February 16, 2001) of the Ninth Circuit Court on the last two Category of cases as presented in Appendix A].

This "Report" was not submitted, in that, the contested facts and issues as contained in this "Report" reflects the overt acts of conspiracy, personal bias and deep seated prejudice of the Courts' to deny and deprive the Original Plaintiff of a "Fair" Trial by Jury as "Demanded" for his "Separate" and "Independent" $5,000,000.00 Damage Complaint.

Therefore, the U. S. Supreme Court is hereby made aware of the Original Plaintiff's Peremptory Challenges pursuant to the California Code of Civic Procedure Section 170.6 in the file records of both the Ninth Circuit Court and also in the District Court's file records. These Peremptory Challenges "Recuses" and Automatically Disqualify any

judge(s) or court(s) of law respectively which attempts to make a "decision" or make a decision (an overt act of deep seated prejudice) that denies or deprives the Original Plaintiff of "Substantive" Due Process, common law or private rights, privileges, or liberty(ies) as a United States Citizen to have a fair Trial by Jury. "Grounds" are based on their "prejudice deprivation" of the Equal Access Act, the First Amendment, the Fifth Amendment, the Fourteenth Amendment and the Seventh Amendments of the United States Constitution. This Conspiracy is Unconstitutional.

The Original Plaintiff has also included the orders of the Honorable Judge Morgan, which establishes a new law to increase the number of Trustees of the Watts-Willowbrook Church of Christ from "three" to "ten." The Articles of Incorporation are contained as an "Exhibit" within the Complaint, certifying only "three" Trustees per "Election."

The Original Plaintiff respectfully submit this Supplemental Appendix as there is no other source of "Relief" from Deprivation of Substantive Due Process. It is the Original Plaintiff's "Prayer" that the United States Supreme Court will act in the interest of Justice to award the Original Plaintiff $5,000,000.00 for Damages as contained in the Causes of Action or grant a fair trial by Jury as a protected private right for all United States Citizens.

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APPENDIX K

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CLERK, U.S. DISTRICT COURT
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CENTRAL DISTRICT OF CALLIFORNIA
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THAMAR E. WILLIAMS, Case No. CV 99-13564
Plaintiff, AHM (RNB)
Vs.
WATTS-WILLOWBROOK CHURCH OF CHRIST et al., Defendants,

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

This Report and Recommendation is submitted to the Honorable A. Howard Matz, United States District Judge, pursuant to 28 U.S.C. Section 636 and General Order 194 of the United States District Court or the Central District of California.

PROCEEDINGS

Plaintiff, proceeding pro se, filed this action on December 29, 1999, seeking damages, declaratory and injunctive relief as a result of an alleged conspiracy among the thirty-one named defendants, acting in concert with several judges and at least one commissioner of the California State courts, to seize corporate control of the Watts-

Willowbrook Church of Christ in Compton California ("the Church"); oust plaintiff from his position as minister, director, trustee and CEO of the Church; and slander plaintiff's good name and reputation in the community.

The operative pleading is plaintiff's original Complaint ("Comp."), a rambling 111 page document accompanied by several hundred pages of exhibits in which, as best the Court can glean; plaintiff is raising thirteen separate claims.[1] Several of plaintiff's claims appear to raise issues arising solely under state law. These claims (collectively the "State Law Claims") are: (1) "corporate takeover" of the Church in violation of the articles of incorporation and by-laws (Comp. At 16-17); (2) defamation (Comp. At 819-91); (3) conversion (id.); (4) breach of fiduciary duty (id.); and (5) interference with contract (id.) . Plaintiff's remaining claims are all grouped under the general category of alleged violations of due process and equal protection of the laws. These claims (collectively the "Federal; Claims") are: (1) various actions of the California State courts in five

[1] Although plaintiff divides his Complaint into what he labels as ten separate "causes of action," several of these "causes of action" are redundant, while others contain several claims under one heading. In an effort to address the issues raised herein, the Court has chosen to look beyond plaintiff's somewhat artificial headings and describe the gravamen of plaintiff's claims.

separate law suits which plaintiff claims were in violation of federal law (Comp. At 29-45; 67-69; 75-76; (2) "conversion" by a fraudulently elected Board of Directors of the Church and its property (Comp. At 48); (3) defamation (Comp. At 48; 76-81); (4) "acts of violence" perpetrated by defendants against plaintiff and his family (Comp. at 48); (5) termination of plaintiff as minister of the Church in violation of a contract of employment (Comp. at 58-59); (6) "overt acts of conspiracy" to wrongfully seize control of the Church (Comp. at 60); (7) interference with a court-ordered election for Board of Directors of the Church (Comp. at 69-72; 75); and (8) fraud, deceit and perjury to gain control of the Church (Comp. at 72-76).

The named defendants are:

(1) The Watts-Willowbrook Church of Christ. Apparently, plaintiff is suing the Church as it is not constituted, i.e. post-"takeover."

(2) The "ten-member renegade Board of Directors" of the Church ("the "ten-member board"): Maurice L. Williams, Johnny Jackson, John L. Williams, Allen Harris, Chester A. Jones, Egerton Forster, Sherron E. Williams, Lloyd Phillips, Bobby Bright and Vernon Reed.

(3) Those individuals who "acted in

concert" with the ten-member board: Frank Devereaux, Lionel Spears, Alice Harris and Prince Emedon.

(4) Two attorney defendants: J. Stanley Sanders, original attorney for the ten-member board of directors and (currently for all defendants herein); and Michael Sinkov, plaintiff's former attorney.

(5) The Mona Blvd. Church of Christ Arbitration Committee, which was composed of various church leaders representing their respective congregations throughout the greater Los Angeles area, and included the following named defendants: Billy Curl, O.J. Dyson, Ellis Lewis, Sr., Herman Thompson, Carl Baccus, J.C. Thomas, and the Crenshaw, La Puente, Normandie, South Side, Mission Blvd. and Avalon Church of Christ.

(6) Dyson Enterprises, a private business owned by defendant O. J. Dyson, which allegedly distributed defamatory information about the plaintiff.

Beginning on February 18, 2000, plaintiff filed a series of affidavits and requests for entries of default against the various defendants in this case. After each of plaintiff's requests, the clerk duly entered defaults against the appropriate defendants.

On March 30, 2000, defendants collectively filed a Motion to Set Aside Default. Plaintiff filed an opposition to the motion April 17; and defendants filed a reply to plaintiff's opposition on April 2, 2000.

For the reasons discussed here after, the Court now recommends that defendants' Motion be granted. The Court further recommends that this action be dismissed on jurisdictional grounds.

SUMMARY OF PLAINTIFF'S ALLEGATIONS

Plaintiff, along with his father, established the Willowbrook Church of Christ in Los Angeles in the late 1960's. Comp. at 76). In 1970, the Willowbrook Church of Christ merged wt he Watts Church of Christ become the Watts-Willowbrook Church of Christ. Both churches had been established by members of plaintiff's family. (Id.). From the beginning, Plaintiff was a member of the Board of Directors as well as the minister of the new Church. (Comp. at 77). The Watts-Willowbrook Church of Christ has become over the years synonymous with plaintiff and his ministry work. (Id.).

The essence of plaintiff's case is that the named defendants colluded with several state court judges (not named as defendants) in the following lawsuits to deny plaintiff due process and to facilitate the takeover of the Church.

(1) "The Domestic Violence Case, " Case No. TD 16082. In this case, plaintiff sought a restraining order against certain defendants. At a hearing on the matter, the state court issued a "stay away order" against plaintiff, ordering him to stay at least one hundred yards away from certain of the defendants and prohibiting him from entering the Church premises. (Comp. at 30-39; Ex. 14). Plaintiff contends the state court's order violated plaintiff's rights to due process because it was issued without a summons and complaint and without notice. (Comp. at 40-41). Plaintiff further contends the stay away order violated his First Amendment right to free exercise of his religious beliefs by prohibiting him from going to his church. (Comp. at 39). Finally, plaintiff contends the order was issued in violation of certain unspecified local court rules, was a result of collusion between the defendants and the court, and was improperly issued by a commissioner instead of a judge despite plaintiff's refusal to agree to having the matter heard by a commissioner. (Comp. at 39-41). Plaintiff asks this Court to "rescind and dismiss the prejudice" the stay away order issued on August 21, 1997, against

plaintiff. (Comp. at 40; 93).

(2) "The Quiet Title Action, " Case No. TC 010 864. This case involves an allegedly "bogus grant deed" executed by several members of the ten-member board in a fraudulent effort to acquire title to the church property. (Comp. at 41-43). Among other things, plaintiff contends the trial court wrongfully set a trial date in this matter prior to the completion of discovery in violation of plaintiff's due process rights. (Comp. at 46). Plaintiff asks Court to determine whether the grant deed executed by defendants was valid and to rescind all orders of the Superior Court this matter. (Comp. at 43; 54-56; 67-69).

(3) "The Forcible Detainer Action," Case No BC 180 866. Plaintiff claims his due process rights were violated by the judge's decision that the ten-member board, as opposed to the "true seven-member board" of which plaintiff was a member, was the true Board of Directors of the Church, and hence entitled to possession of the Church property. (Comp. at 18-20; 44). Plaintiff asks this Court to rescind the state judge's order declaring the ten-member board the true Board of Directors of the Church.

Comp.at16).

(4) "The Breach of Contract Case," Case No. BC 195 215. This is a claim for breach of plaintiff's employment contract with the Church. (Comp. at 44; Exh. 9). The plaintiff appears to be claiming that a default judgment was entered in his favor in this case, which was later vacated. (Comp. at 21-24). Plaintiff claims his due process rights were violated when defendant Egerton Forster (a member of the ten-member board) was recognized as a proper agent for service of process of the Church, thus (apparently) allowing defendants to file an answer in this case. (Id.). Plaintiff asks this Court to rescind and vacate the state court's order vacating the default judgment nunc pro tunc, and reinstate the judgment entered I n his favor in this case based upon plaintiff's contention that Egerton Forster was not a proper agent for service of process of the Church. Id.).

(5) Cross-Complaint in the Breach of Contract Case. The posture of this case is not entirely clear from plaintiff's description of it in the complaint. It appears that the ten-member board, either individually or collectively, filed a cross-Complaint in plaintiff's breach of contract

Case claiming that plaintiff had defrauded the Church. Plaintiff contends his due process rights were violated by certain orders and decisions entered in this and other cases in state court that recognized he authority of the ten-member board to file a cross-complaint on behalf of the Church. (Comp. at 44-45.

(6) Los Angeles National Bank v. The Watts-Willowbrook Church of Christ and Thamar Williams, Case No. BC 193 978. This case apparently concerns a challenge by the ten-member board to plaintiff's attempt to secure a $250,000 line of credit for the bank using the Church property as collateral. (Comp. at 45; Exh. 7). It appears that plaintiff is disputing the defendants' allegations against him in this case.

DISCUSSION

A. **Defendants motion for relief from default should be granted.**

Federal Rule of Civil Procedure 55 © allows the Court to set aside an entry of default for "good cause." Fed. R. Civ. P. 55 ©. "As practical matter,... when considering a motion to set aside a default entry, the parallels between granting relief from a default entry and a default judgment encourage utilizing the list of grounds for relief provided in

[Fed. R. Civ. P.] 60 (b)," Hawaii Carpenters' Trust Funds v. Stone, 794 F.2d 508, 513 (9th Cir. 1986). Rule 60 (b) allows the Court to deny relief from a default judgment if "(1) the defendant's culpable conduct led to the default, (2) the defendant has no meritorious defense, or (3) the plaintiff would be prejudiced if the judgment is set aside." Price v. Seydel, 961 F.2d 1470, 1473 (9th Cir. 1992).

The rules providing for relief from default are "remedial in nature, ... [and] must be applied... {D]efault judgments are generally disfavored and cases should be decided on their merits....[W]here defendant seeks timely relief from [default] and has a meritorious defense, doubt, if any, should be resolved in favor of the motion to set aside the [default]." Meadows v. Dominican Republic, 817 F.2d 517, 521 (9th Cir.) (internal citations omitted) (interpreting the more stringent requirements of Rule 60(b) relief from default judgment), stay denied, 484 U.S. 951, cer. Denied, 484 U.S. 976 (1987).

Here, defendants have shown the default was not caused by any culpable conduct on their part. In their motion to set aside default, defendants explain that their attorney (who is also a defendant in this case)

was under the mistaken belief that all or substantially all of the many defendants in this case were served by substitute service under California law as permitted by Fed. R. Civ. P. 4(e) (1), rather than by personal service. (Declaration of J. Stanley Sanders "Sanders Decla." At paragraph 3). According to defense counsel, he mistakenly believed that plaintiff had not perfected substitute service of process o n all defendants, and he thus waited to file an Answer. (Id. At par. 5). Defense counsel contacted plaintiff on March 2, 2000, but refused to give counsel any information concerning service of process or to inform counsel that he already had requested entry of default. (Id.). Counsel attempted to file an Answer on March 10, 2000, but default already had been entered against defendants at that time, so the clerk refused filing of the answer. (Id.).

In his Opposition to the Motion to Set Aside Default, plaintiff simply alleges that defendants were personally served. Plaintiff does not address defendants' claim that the default was caused by counsel's mistaken belief that defendants had been served by substitute service. Nor does plaintiff dispute defendants allegation that counsel contacted plaintiff and that plaintiff refused to provide

any information concerning service. Finally, plaintiff nowhere states how he would be prejudiced by setting aside the default other than the implicit and obvious contention that he would be deprived of the windfall of a default judgment in his favor.

Relief from entry of default has been granted when the default was due to a mistake by counsel as to the applicable procedural rules concerning the time within which to answer. See e.g. Canfield v. VSH Restaurant Corp., 162 F>R.D. 431 (N.D.N.Y 1995) (default was the result of a mistaken belief that service of documents upon one defendant did not amount to formal service but instead related to plaintiff's prior request for waiver of service); Hanley v. Volpe, 48 F.R.D. 387 (E.D. Wis. 1070) (mistaken belief on the part of defendant's counsel that appearance and filing of motion to dismiss relieved him of obligation to answer within proscribed time sufficient to set aside default); Moran v. Mitchell, 354 F. Supp. 86 (E.D. Va. 1973) (entry of default set aside when default had been entered as a result of defense counsel's mistaken belief that he had 15 days in which to file a responsive pleading); Riley v. Allstate Ins. Co., 166 F.R.D. 374 (E.D. La. 1996) (default as a result of mistaken belief that

claim had been settled). Here, the default was caused by a similar, non-culpable, mistake of counsel concerning the effect of service on the time within which to file an Answer.

Moreover, as will be discussed in more detail in this Report and Recommendation, defendants have a meritorious defense to this action. See e.g. Cross v. Fong Eu, 430 F. Supp. 1036, 1042 n.8 (N.D. Cal. 1977) (default set aside based in part on the obvious merit of defendant's position as evidenced by court's decision to grant a motion to dismiss); Grant v. City of New York , 145 F.R.D. 325, 326 (S.D.N.Y. 1992) (default set aside despite finding that default was a result of counsel's willfullness where evidence indicated a meritorious defense).

Finally, the Court finds that plaintiff will not be prejudiced by setting aside the default. Not only have defendants promptly move to set aside the default in this case and provided the Court with an adequate explanation for their failure to file a timely answer, but the obvious and serious flaws in this case discussed infra make entry of default judgment impractical to say the least.

For the foregoing reasons, the Court recommends that defendants' Motion to Set Aside Default be granted.

B. **To the extent that Plaintiff merely is seeking direct review of State court decisions, his claims should be dismissed for lack of subject matter jurisdiction.**

It appears that the most of the issues raised by plaintiff's rambling and nearly incoherent complaint concern matters which already have been adjudicated by the California State courts or are the subject of currently pending state litigation. To the extent that plaintiff merely is seeking direct review in this Court of final decisions of the state courts, the Rocker-Feldman doctrine prevents the Court from addressing those claims. The Rocker-Feldman doctrine, derived from two United State Supreme Court opinions separated by sixty years, provides that Federal district courts may exercise only original jurisdiction; they may not exercise appellant jurisdiction over state court decisions. District of Columbia Court of Appeals v. Feldman, 460 U.S.462, 482-486, 103 S. Ct. 1303, 75

L.Ed. 2d 206 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-416, 44 S. Ct. 149, 68 L. Ed. 362 (1923.[2]

Rooker involved an appeal from a decree of a federal district court dismissing for lack of jurisdiction a bill in equity for relief from a state court judgment that was claimed to violate the Contract Clause, the Due Process Clause and other federal prohibitions. The Supreme Court affirmed the decree stating that "[u]nder the legislation of Congress, no court of the United States other than [the United States supreme Court] could entertain a proceeding to

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[2] Since the Rooker-Feldman doctrine proscribes federal court jurisdiction over collateral challenges to state court judgments, it cannot be waived and the court has an obligation to raise the issue sua sponte. See Worldwide Church of God v. McNair, 805 F. 2d 888, 890 (9th Cir. 1986) (discussing appellate court's duty to raise jurisdictional issues sua sponte); see also Garry v. Geils, 82 F.3d 1362, 1364 (7th Cir. 1996) (Rooker-Feldman cannot be waived and must be raised by the court sua sponte); Jordahl v. Democratic Party of Va., 122 F.3d 192, 197 n. 5 (4th Cir. 1997) ("district court appropriately sua sponte raised rooker-feldman"), cert. Denied, 522 U.S. 1077 (1998); Doctor's Assocs. V. Distajo, 107 F.3d 126, 137 (2d Cir.), cert. Denied, 522 U.S. 948 (1997).

reverse or modify the [state court] judgment for errors" of constitutional law. Id. At 416.

In Feldman, the plaintiff sought to challenge in the federal district court a decision rendered by a state court refusing to grant plaintiff a waiver of a certain bar admission rule. The Supreme Court held that although the plaintiff could challenge the constitutionality of the rule in federal court, he could not challenge "state-court decisions in particular cases arising out of judicial proceedings even if those challenges allege that the state court's action was unconstitutional." Id. at 486.

In analyzing whether a federal district court has jurisdiction to hear a particular constitutional challenge, the court must determine whether the constitutional claims are "inextricably intertwined" with the state court's rulings in a particular plaintiff's state case. See Id. at 483-484 n. 16 (stating that "[I]f the constitutional claims presented to a United States district court are inextricably intertwined with the state court's [decision], then the

district court is in essence being called upon to review the state-court decision"); see also McNair, 805 F.2d at 892.

Here, the bulk of plaintiff's claims concern specific challenges to specific state court rulings made in specific cases, and thus plaintiff's constitutional claims are "inextricably intertwined" with the state courts' decision in the above-described law suits. For example, plaintiff explicitly asks the court to (1) "rescind and dismiss with prejudice" the stay away order issued against plaintiff in the Domestic Violence Case (Comp. At 40; 93), (2) review the state court's decision in the Quiet Title Action that the grant deed executed by certain of the defendants was valid and otherwise rescind all orders of the California Superior Court in this matter (Comp. At 43; 54-56; 671-69), (3) rescind the state court's order in the Forcible Detainer Action declaring the ten-member board the true Board of Directors of the Church (Comp. At 16) and (4) rescind and vacate the state court's order in the

Breach of Contract Case vacating the default judgment entered in plaintiff's favor. (Comp. At 21-24).

Plaintiff's claims, allthough not explicitly labeled as such;, constitute nothing more than an attempt to appeal directly in the federal district court specific state court rulings on federal constitutional grounds. This Court simply does not have jurisdiction over such claims. See McNair, 805a F.2d at 892-893 (applying the Rooker-Feldman doctrine where plaintiff was asking the district court to review a specific state court decision interpreting a state court rule), cert. denied, 506 U.S. 999 (1992).

C. **To the extent that plaintiff is seeking to enjoin the actions of state courts in any currently pending litigation, abstention is warranted.**

Although it appears that many, if not all, of the complained of judicial actions described in the complaint are the result of final judgments issued by state courts, it is not entirely clear from plaintiff's allegations whether any of the above-described law suits currently are pending in the California State courts. Where a federal district court is not

asked to review the merits of a final state judgment, but rather to enjoin ongoing state proceedings, the principles of abstention outlined in Younger v. Harris, 401 U.S. 317 (1971), of abstention outlined in Younger v. Harris; 401 U.S. 37 (1971), and not Rooker-Feldman, govern such claims. See Pennzoil Co. v Texaco , 481 U.S. 1, 10, 107 S. Ct. 1519, 95 L. Ed. 2d 1 (1987); H. C. ex rel. Gordon v. Koppel, 203 F. 3d 610, 612 (9th Cir. 2000).

The policy of abstention "rests on notions of comity and respect for state functions," see Champion Int'l. Corp. v. Brown, 731 F.2d 1406, 1408 (9th Cir. 1984), and restrains federal courts from exercising jurisdiction in civil and administrative proceedings as long as those proceedings relate to an important state interest. See Ohio Civil Rights Comm'n v. Dayton Christian Schools, Inc., 477 U.S. 619, 627, 106 S. Ct. 2718, 91 L. Ed. 2d 512 (1986). Federal courts are precluded not only from issuing injunctions in cases that fall within the scope of Younger and its progeny but from even considering the

merits of such cases. See Fresh Int'l. Corp. v. Agricultural Labor Relations Bd., 805 F.2d 1353, 1354 (9th Cir. 1986).

In Middlesex County Ethics Comm. V. Garden State Bar Ass'n., 457 U.S. 423, 102 S. Ct. 2525, 73 L. Ed. 2d 116 (1982), the Supreme Court articulated a three-prong test for determining when a federal court must abstain from hearing a suit under younger. A federal court must abstain from hearing and dismiss a suit if deciding the merits of the suit would interfere with a state proceeding that is (1) ongoing, (2) implicates important state interests and (3) provides and adequate opportunity to raise federal questions. See 457 U.S. at 432; see also Mission Oaks Mobile Home Park v. City of Hollister, 989 F.2d 359, 360 (9th Cir. 1993), cert. denied, 510 U.S. 1110 (1994); Fresh Int'l. Corp., 805 F.2d at 1357-58.

As stated above, it is not clear from plaintiff's complaint whether any of the state law suits described therein are pending or not. However, to the

extent that any of them still are pending, the first prong of the Middlesex test is met.

Although the precise nature of all of these state law suits cannot be gleaned from the complaint, it does appear to the Court from the allegations of the Complaint that important state interest are implicated by the proceedings described therein. See, e.g., Pennzoil, 481 U.S. at 13 (important state interest in requiring persons to "transfer property in response to a court's judgment"); Kelm v. Hyatt, 44 F.3d 415, 419-420 (6th Cir. 1995) (important state interest in regulating matters relating to domestic violence); Worrell v. Irwin, 890 F. Supp. 696, 706 (S.D. Ohio 1994) (adjudication of a controversy concerning property located within the state.). Moreover, it also appears to the Court that this is not an instance where interference by a federal court with a state's important interest in protecting "the authority of the judicial system, so that its orders and judgments are not rendered nugatory," is warranted. See

Juidice v. Vail, 430 U.S. 327, 336 n. 12, 97 S. Ct. 1211, 51 L. Ed. 2d 37i6 (1977).

Finally, to the extent that any of the state law suits currently are pending, it appears to the Court that plaintiff has an adequate state forum in which to pursue any federal constitutional claims. See Middlesex, 457 U.S. at 435 (rejecting claim that state procedures would be inhospitable to federal claims). Whether or not plaintiff has availed himself of the opportunity to raise any constitutional claims he may have is irrelevant. See World Famous Drinking Emporium, Inc. v. City of Tempe, 820 F.2d 1079, 1083 (9th Cir. 1987).

D. **Plaintiff has failed to state a federal claims against any of the named defendants.**

Plaintiff alleges in his complaint that defendants violated his constitutional rights to due process and equal protection by, among other

things,[3] conspiring with state court judges to deprive him of due process in the above-described law suits, wrongfully seizing control of the Church, publishing and defamatory allegations about plaintiff, committing acts of violence against him and his family, and terminating him from his job as a minister of the Church in violation of a 1985 employment contract. Although not explicitly stated by plaintiff, the Court liberally construes

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[3] Plaintiff's complaint is littered with vague allegations of constitutional violations too numerous and too fantastic to discuss in detain. For example, plaintiff claims certain defendants violated plaintiff's due process rights by not adhering to the procedures described in the Bible, Matthew 18:15-17, which provides:

"15 Moreover, if thy only brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou has gained by brother.

"16 But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established.

"17 And if he shall neglect to hear themk tell it unto the church; but if he neglect to hear the church, let him be unto thee as an heathen man and a publican." (Emphasis in original). (See Comp. At 82). Since the Court finds, infra, that none of the named defendants is a state actor for purposes of federal question jurisdiction, the Court need not address each constitutional allegation in the complaint.

plaintiff's complaint as an attempt to state a claim under 42 U.S.C. Sec. 1983, which provides that "[e]very person who, under color of any statue, ordinance, regulation, custom, or usage, of any State. . . subjects, or causes to be subjected, any citizen of the United States. . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law."

To state a claim against a particular defendant for violation of his civil rights under 42 U.S.C. Sec. 1983, plaintiff must allege that the defendant, acting under color of state law, deprived plaintiff of a right guaranteed under the Constitution or a federal statute. West v. Atkins, 487 U.S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988); Karim-Panahi v. Los Angeles Police Dep't, 839 F.2d 621, 6224 (9th Cir. 1988). A defendant must have acted "under color of law" to be held liable under Sec. 1983. See Huffman v. County of Los Angeles, 147 F.3d 1054, 1057 (9th Cir. 1998), cert. denied, 526 U.S. 1038 (1999). To act under color of state law

for purposes of Sec. 1983, the defendant must "have exercise power 'possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.'" West v. Atkins, 487 U.S. at 49 (quoting United States v. Classic, 313 U.S. 299, 326, 61 S. Ct. 1031, 85 L. Ed. 1368 (1941)).

"The ultimate issue in determining whether a person is subject to suit under Sec 1983 is the same question posed in cases arising under the Fourteenth Amendment: is the alleged infringement of federal rights fairly attributable to the [government]?" Rendell-Baker v. Kohn, 457 U.S. 830, 838, 102 S. Ct. 2764, 73 L. Ed. 2d 418 (1982). Section 1983 "excludes from its reach merely private conduct, no matter how discriminatory or wrong." American Mfgrs. Mut. Ins. Co. v. Sullivan, 526 U.S. 40, 49, 119 S. Ct. 977, 143 L. Ed. 2d 130 (1999) (citations and internal quotations omitted).

Here, plaintiff's allegations concerning civil rights violations arising as a result of and during the course of

state law suits described above, cannot form the basis of a federal civil rights claim because those claims are barred by either the Rooker-Feldman doctrine or Younger abstention, as discussed infra. Plaintiff's remaining allegations concerning constitutional violations: i.e. breach of an employment contract, conversion of Church property, defamation, fraud, acts of violence, conspiracy, deceit and perjury are all claims against purely private individuals, and thus do not state claims under Section 1983.

A trial court may dismiss a claim sua sponte without notice where the claimant cannot possibly win relief. See Omar v. Sea-Land Service, Inc., 813 F.2d 986, 991 (9th Cir. 1987). If plaintiff appears pro se, as in the instant case, the Court must construe the pleadings liberally and must afford him the benefit of any doubt. Karim-Panahi, 839 F.2d at 623. A pro se litigant must be given leave to amend his complaint unless it is absolutely clear that the deficiencies of the complaint cannot be cured by amendment. Noll v. Carlson, 809 F. 2d 1446, 1448 (9th Cir. 1987).

Here, it is absolutely clear to the Court that the deficiencies of the Complaint with respect to the Federal Claims cannot be cured my amendment.

E. **Supplemental jurisdiction over plaintiff's state law claims should be declined.**

In view of the Court's recommendation that the Federal Claims be dismissed without leave to amend, the Court recommends that supplemental jurisdiction be declined over the State Law Claims, pursuant to 28 U.S.C. Sec. 1367(c)(3). See Executive Software North America, Inc. v. U.S. Dist. Court for Cent., Dist. Of California, 24 F.3d 1545, 1555-56 (9th Cir. 1994); Schneider v. TRW, Inc., 938 F.2d 986, 993-94 (9th Cir. 1991)

RECOMMENDATION

IT THEREFORE IS RECOMMENDED that the District Court issue an Order: (1) approving and adopting this Report and Recommendation; (2) granting defendants' Motion to Set Aside Default; and (3) dismissing this action without prejudice.

DATED: June 12, 2000

s_____ ROBERT N. BLOCK
UNITED STATES MAGISTRATE JUDGE

APPENDIX L

Thamar E. Williams
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Pro Se

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIORNIA

THAMAR E. WILLIAMS, President of the Board of the Board of Directors and Trustee of the WATTS-WILLOWBROOK CHURCH OF CHRIST, a nonprofit corporation, Plaintiff, vs. WATTS-WILLOWBROOK CHURCH OF CHRIST, a nonprofit corporation, MAURICE L. WILLIAMS, Trustee, and JOHNNY JACKSON, Trustee; WATTS-WILLOWBROOK CHURCH OF CHRIST, MAURICE L. WILLIAMS, Trustee, FRANK DEVEREAUX, Trustee, JOHN L.	FED CASE NO.CV-99-13564 AHM (RNB) **ORIGINAL PLAINTIFF'S AFFIDAVIT OF OBJECTIONS TO THE ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE; AND JUDGMENT [FED. RULE CIVIL PROCEDURE 12]**

WILLIAMS, Trustee, ALLEN HARRIS, Trustee; EGERTON FORSTER, Trustee, SHERRON E. WILLIAMS, Trustee, LLOYD PHILLIPS, Trustee; CHESTER JONES, Trustee; BOBBY BRIGHT, Trustee; VERNON REED, Trustee; LIONEL SPEARS, ALICE HARRIS, PRINCE A. EMEDON; J.STANLEY SANDERS; MICHAEL SINKOV; MONA BOULEVARD CHURCH OF CHRIST ARBITRATION COMMITTEE, CRENSHAW CHURCH OF CHRIST, BILLY CURL; CHURCH OF CHRIST, O.J. DYSON, DYSON ENTERPRISES; LA PUENTE CHURCH OF CHRIST, ELLIS LEWIS, SR., NORMANDIE CHURCH OF CHRIST, HERMAN THOMPSON; SOUTHSIDE CHURCH

COURT ROOM: 14

THE HONORABLE UNITED STATES DISTRICT COURT JUDGE, A. HOWARD MATZ

DEMAND FOR JURY TRIAL

OF CHRIST, CARL BACCUS;
MISSION BLVD. CHURCH
OF CHRIST; AVALON CHURCH
OF CHRIST, J.C. THOMAS;

Defendants.

ORIGINAL PLAINTIFF'S AFFIDAVIT OF OBJECTIONS TO THE ORDER ADOPTING FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE; AND JUDGMENT [FED. RULE CIVIL PROCEDURE 12]

I, Thamar E. Williams, being sworn or affirmed, say and state that the following constitutes the Original Plaintiff's (Thamar E. Williams') Objections to the Honorable United States District Court Judge's Order Adopting Findings, Conclusions And Recommendations, And Judgment which was signed on September 6, 2000 [mailed on the 18th and retrieved from the mail on the 13th] as follows:

1. **INTRODUCTION**

The Decision made by the Honorable Judge A. Howard Matz has been made in the "Absence of Jurisdiction" due to a "Recusal" under California law [the Code Civil Procedure Section 170.6] as was filed with a Peremptory Challenge and Grounds for Disqualification as contained in the Original Plaintiff's Objections to the Magistrate Judge Report filed on June 28, 2000.

That "Decision" of the Honorable Judge A.Howard Matz "Adopting Findings, Conclusions and Recommendations of United States Magistrate Judge" contradicted both the Report [using that which was "PLACED IN FILE - NOT USED"] and the Due Process for Trial by Jury Rule 53 of the Federal Rules of Civil Procedure. The "PLACED IN FILE - NOT USED" statement is contained on the Court's Docket on page 6 on 7/3/00, attached for the Court's information. The Honorable Judge A. Howard Matz's "Decision" as to the "Adopting Findings, Conclusions and Recommendations of United States Magistrate Judge's Report is clearly a violation of the Due Process Procedure for Trial according to Rule 53 of the Federal Rules of Civil Procedure for Trial by Jury as Demanded by the Original Plaintiff. This Decision of the Honorable Judge A. Howard Matz is another Overt Act of a personal deep seated bias and prejudice of the Court to deny and deprive the original Plaintiff of his Constitutional Rights, those rights include, but are not limited to: the First Amendment; the Equal Access Act; the Seventh Amendment of the U.S. Constitution; and the 14th Amendment all of which makes the Court 'inconsistent with substantial justice and substantially

effecting and substantially affecting the rights of Parties in this case. This Decision is in collusion and/or conspiracy with other judges who have committed the same Overt Acts of violations of due process of law.

The Original Plaintiff set forth his operative facts and theories, in his "Separate" and "Independent" Complaint that was filed on 12-29-99. The Court has full knowledge of the reason the Original Plaintiff was seeking Damages and Injunctive Relief. The "Separate" and "Independent" Complaint established the "standings" of the Original Plaintiff to seek damages. The adoption of the Report of the Judge Magistrate by the Honorable Judge Matz sets forth a separate standing for equitable Relief. The original Plaintiff is being denied and deprived of his rights as created by The Ninth Circuit as an exception to the Lyon standard. See Nava v. City of Dublin., 121 F3d. 453. 456 (9th Cir. 1997). The Original Plaintiff need not undertake a separate standing (as stated in the Magistrate Judge's Report) inquiring for equitable relief so long as the damages and equitable claim are predicated on the same operative facts and legal theories. Therefore the Court must accept all of the allegations ad contained in the "Separate" and "Independent" Complaint as

true. See North Star Int' l v. Arizona Corp. Comm'n, 720 F. 2d 578, 581 (9th Cir. 1983). The decision of the Honorable Judge Howard Matz to "Dismiss" the "Separate" and "Independent" Complaint contradicts the "Decision" of the Ninth Circuit Court's in Nava v. City of Dublin.

2.

DEFENSES AS OBJECTIONS TO THE HONORABLE JUDGE A. HOWARD MATZ'S DECISION

(1). Lack of jurisdiction over the subject matter and over the person.

The Original Plaintiff named The Honorable Judge A. Howard Matz as being Recused along with the Honorable Magistrate Judge Robert N. Block in his Objections. See Affidavit of Objections to The Honorable Judge Report filed June 28, 2000.

The Judge was made aware of prior Recusals as contained in the "Separate" and "Independent" Complaint and was subsequently Recused of a personal deep seated prejudice or bias which deprived and denied the Original Plaintiff of his rights to a fair jury Trial. The Plaintiff's statement and grounds for the judge's

disqualification (under 170.6) for personal bias and prejudice not only estoppes The Honorable Judge in making a decision, but also permanently deprives him of jurisdiction, when he fails to files an answer within the mandatory five-day limit. See Oak Grove School Dist. Of Santa Clara County v. City Title Ins. Co. (1963) 32 Cal. Rptr. 288, 217 C.A. 2d 678. Where a judge has failed to file a written answer to a verified statement of bias and prejudice, facts alleged in statement must be taken as true. See Calhoun v. Superior Court of San Diego County (1958) 331 P. 2d 648, 51 C. 2d 257. It is a matter of law that where Plaintiff's Motion charging bias and prejudice, and the judge fails to file an answer as required by statue, the Trial Judge is "Disqualified." See Rosenfield b. Vosper (1945) 160 P. 2d 842, 70 C..A. 2d 217. Therefore, the Plaintiff contends, according to law, that the judges in this case action, [both the U.S. District Court and the U.S. Magistrate judge] cannot make a decision with full knowledge of their Recusal. This court action cannot be

dismissed with a decision of dismissal from a Recused judge. The Honorable Judge, A. Howard Matz has made a decision without jurisdiction. The Honorable Judge John W. Ouderkirk made the same decision to dismiss Case # 195215 (in the same Related Case) upon receiving knowledge of his Recusal. The Honorable Judge Ellen C. Deshazer of the Superior Court also made a Decision in the absence of jurisdiction (Case # TC 010864) granted waiver of a Demanded Jury Trial and with full knowledge of her Recusal, also made a Decision. The original Plaintiff objects to as establish practice of court judges to make decisions being Recused and dismissing cases, in which they have no jurisdiction over. This overt act of the Honorable Judge A. Howard Matz constitutes a new grounds for Recusal and disqualification. The Honorable Judge A. Howard Matz is hereby Recused for overt acts of personal bias and prejudice and also collusion and/or conspiracy. This established practice of judges to dismiss cases or place judgment in cases where they have no

jurisdiction substantially deprives and denies the Original Plaintiff of his Constitutional Rights. This Decision of the court has been made not only with the lack of jurisdiction of subject matter, but also, lack of jurisdiction over the person. The Original Plaintiff asserts both defenses, the lack of jurisdiction over person and lack of jurisdiction over subject matter as an objection to the judges' decision. All the judges in this case as well as Related Cases, (with the exception of The Los Angeles national Bank Case # BC 193978) have not and did not perform a judicial act. That" the reason for Dismissal. In the Los Angeles national Bank (a Related Case) the Defendants were made to "pay" or had to "settle" with the Los Angeles National Bank because of their culpable conduct. The decision of the judge to "Dismiss" this case action further "suppress" and "conceals" evidence as contained in the Complaint with Exhibits of all the allegations (which includes but not limited to fraud).

(2). The Original Plaintiff objects to the judge adopting the findings, Conclusions and recommendations of judgment based on the Magistrate Judge's Report, which is "PLACED IN FILE - NOT USED." Since it is "NOT USED," therefore, the Decision constitutes the Judge's failure to state a claim upon which relief can be granted to the Original Plaintiff. By law, the original Plaintiff now qualifies on motion asserting the defense numbered 6 under The Federal Rules of Civil Procedure, 12, (4) (B) (b) (6) of Summary Judgment and dispose of and provided in Rule 56. Parties which are not in Default shall be given reasonable opportunity to present all materials made pertinent to such a motion by Rule 56.

(3). The Original Plaintiff objects to the judge adopting the findings, Conclusions and recommendations of judgment based on the Magistrate Judge's Report, which is "PLACED IN FILE - NOT USED." Therefore, the Decision was insufficiency of process. In order for the District Judge to follow the "Due Process" according to law, the

Magistrate Judge has the responsibility of submitting a report that can be "USED" and "NOT USED." The Original Plaintiff claims all Mistakes, Inadvertence, Surprise, Misrepresentation, Clerical Mistakes, Excusable neglect, Clerical Mistakes in Judgment, Defects in Rulings or Orders, under Federal Rules of Civil Procedure 60 and 61 are used by the Court to deprive and deny the Original Plaintiff his Constitutional Rights of a Trial by Jury as declared by the Seventh Amendment of the Constitution. The right of Trial by Jury is given by a stature of the United States and shall be preserved to the parties violated un the Federal Rule of Civil Procedure 38(a). Therefore, the Original Plaintiff does not seek a new Trial because he has been "Deprived" and "Denied" his Seventh Amendment Right to a Trial by Jury. The Original Plaintiff cannot Motion for a new Trial because he was denied a Trial by Jury by this Order of the Court. The Original Plaintiff Motion is that this Court order of the Honorable Judge A. Howard Matz be Rescinded and vacated immediately.

This Order [in the disguise of Federal Rules of Civil Procedure 60 and 61] are overt Acts of Violations of Due Process of law and/or Overt Acts, which are inconsistent with Due Process of Law and/or Overt Acts that contradicts the evidence, all of which Deprives and Denies (with personal prejudices and biases) the Original Plaintiff of his Constitutional Rights. This Order must be rescinded and vacated in order to preserve the Original Plaintiff his 11th Amendment rights. The Original Plaintiff hereby respectfully petition the District Judge for rehearing under Federal Rules 76 (b) of Civil Procedure for Stay of Judgment. The Original Plaintiff had begged of the Court to place Motions before the Court due to the defendants' culpable behavior in sabotaging and destroying the Original Plaintiff's Computer Systems and Programs. The original Plaintiff under financial burden and hardship has to pay for Computer Time at public facilities. The original Plaintiff is made to be under hardships and burdens and physical exhaustion from lack of sleep and work trying to combat the culpable

behavior of the defendants along with their death threats. The Original Plaintiff on these matters begs the mercy of the Court.

(4). The Original Plaintiff objects to the Courts failure to join a party under Rule 19. The decision to Remand these cases (which are a part of this Complaint under 28 Section 1441, 1446; FRCP 81c) was violated by the Court. The entire actions of all cases, and parties as named in this "Separate" and "Independent" Complaint, have not been joined under Rule 19, such parties include but are not limited to Leo Swartzs, Edmendon Prince, Bobby Bright, etc. Plus, all cases as was named in the Complaint were removable as Joinder of removable and nonremoval causes of action, as proper according to law. The Court never did this. The judge's decision to "Dismiss" and suppress and conceals all evidence as contained in those case actions which was included in and made apart of the "Separate" and "Independent" Complaint. These violations or failure to join a party under Rule 19

reflects the Court's personal prejudice to not perform a judicial act.

CONCLUSION

In conclusion, the Original Plaintiff has directed the court's attention to these Objections [lack of jurisdiction over subject matter and over person, insufficiency of process, failure to join a party under Rule 19 and failure to state a claim upon which relief can be granted], all of which substantially denies, deprives, compress and conceal evidence as shown in this case. Mr. Sanders surprise Motion as granted by the Court for Relief (in view of defendants culpable behavior) from Default is a clear example of the Court's personal bias and prejudice to violate Due Process of Law and to commit overt acts that are inconsistent with Due Process of Law and/or failure to perform a judicial act. The Court has a duty to rescind, and vacate this order as no Judge should act in the clear absence of all jurisdiction. The Original Plaintiff begs of Declaratory Relief and Relief according to the discretion of the Court so that the Original Plaintiff's Seventh Amendment Rights will be protected as well as other Constitutional Rights. The District Judge cannot adopt the Magistrate Judge's Report with these defects in the Order as "NOT USED."

I declare (or certify, verify or state) under the

penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: September 20, 2000

s_____

Thamar E. Williams, Pro Se

Note to the Court. The Original Plaintiff could not complete the Motions which was needed to be placed on calendar with this filing due to the culpable conduct of the defendants destroying Computer Systems. It was previously requested of the Court extension for time to present these Motions. Dates requested for October are 16, 23, and 30th. For November are 6, 13, 20 and the 27th. For December are 4, 11, and the 8th.

SUPPORTING MEMORANDUM OF POINTS AND AUTHORITY FOR AFFIDAVIT OF OBJECTIONS TO THE DISTRICT COURT JUDGE'S ORDER
[FED. R. CIV. P. 12(b)(6)]

1.

THE POSITION ADVANCED BY THE COURT

The Honorable District Court Judge A. Howard Matz states in his Order that the Original Plaintiff's Motion is Denied as "moot."

2.

THE POSITION ADVANCED BY THE ORIGINAL PLAINTIFF

The Original Plaintiff contends that he has standings with the Court and these matters are not moot as this was a tolling Motion well within the ten day time period dating from the Order of the Court.

3.

EVIDENCE AND ARGUMENTS RELIED ON BY THE ORIGINAL PLAINTIFF

The Supreme Court Ruling: The Supreme Court has recently noted, both standing and mootness are jurisdictional issues deriving from the requirement of a case or controversy under Article 111.

POINT OF AUTHORITY *See* Friends on the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.,...120 S. Ct. 693, 703-04 (2000); *See* (Article III of the Constitution requires that there be a live

case or controversy at the time that a federal court decides the case…'' "(quoting Burke v. Barnes, 479 U.S. 361, 363 (1987).

DEFENDANTS ACTIONS ARE "CAPABLE OF REPETITION, YET EVADING REVIEW." There is more than a reasonable expectation that the same action will occur again.

POINT OF AUTHORITY- See Spencer v. Kemna, 523 U.S. l, 17 (1998); Madison School District, 177 F. 3d at 798.

The Original Plaintiff claims the doctrine of jus tertii, to invoke the rights of third parties who are not before the court. All those who are associated with the Original Plaintiff, the Original Plaintiff invokes these rights under jus tertii.

POINT OF AUTHORITY - See Singleton v. Wulff, 428 U.S. 106, 112 (1976); Accord Powers v. Ohio, 499 U.S. 400, 411 (1991);

PERSONAL JURISDICTION WAS OBTAINED THROUGH PERSONAL SERVICE OF PROCESS.

The Original Plaintiff filing on April 17, 2000 (Declaration of Evidence and Memorandum of Opposition to Motion for Relief from Default **Exhibit "A"**) proves that personal Jurisdiction was effected.

POINT OF AUTHORITY See Rano v. Spa Press, Inc., 987 F. 2d 580, 587 n.3 (9th Cir. 1993) ("well established that where the district court relies solely

on affidavits and discovery materials, the plaintiff need only establish a prima facie case of jurisdiction"). The Original Plaintiff Objects to the Court not recognizing Personal Jurisdiction as the Original Plaintiff have waived his Rights to insufficiency of Service of Process, therefore the Court is in violation of Due Process of Law to Dismiss this claim.

Futhermore, the Original Plaintiff Complaint is being Dismissed on the facial Challenges of the Court. The Original Plaintiff contends that he should not be denied and deprived of his Seventh Amendment Constitutional Rights to a Trial simply because of Judicial Challenge.

POINT OF AUTHORITY See 9th Circuit Stewart v. Ragland, 934 F.2d. 1033, 1036 n. 5 (9th Cir. 1991) (party may proceed to trial on merits without waiving jurisdictional challenge). The Original Plaintiff contends that the Court deprives him of his Constitutional Rights by denying timely Motions for New Trial, Injunctive Relief, as well, as full Adjudication of all matters as contained in the Complaint.

CONCLUSION

If the Court cannot grant the Injunctive Relief as called for in the Complaint, the Original Plaintiff still have a Right to his claims for Damages. Matters of facial challenges can be handled at the Appeals Court level; the Original Plaintiff seeks immediate

Trial or Damages. The discovery of facts as contained in the Complaints supports Personal Jurisdiction.

A timely Motion of new evidence to consolidate hearings with Trial was filed with the Court on September 12, 2000. Those issues are not "Moot."

Affirmed this 19th day of October 2000.

s_____

Thamar E. Williams, Pro Se

APPENDIX M

J. Stanley Sanders
State Bar No. 043671
McKenzie, McGhee & Pryce
So. Grand Ave., 20th Fl.
L.A., Ca 90071-1524
(213) 626-0999;fax(213)626-3090
Attorneys for Plaintiff
Watts-Willowbrook Church of Christ

STAMP
Los Angeles Superior 333 Court
Feb. 09 1998
sJOHN A. CLARKE, Deputy
by Jeffrey Summers, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

WATTS-WILLOWBROOK CHURCH OF CHRIST, a non-profit corporation, MAURICE L. WILLIAMS, Trustee, and JOHNNY JACKSON, Trustee
Plaintiff

vs,

THAMAR E. WILLIAMS, an individual,
MARY M. JOINER, an individual,
MONA BOULEVARD COMMUNITY SERVICES, INC., a non-profit public benefit corporation, and DOES 1 through 50, inclusive,
Defendants.

CASE NO: TC 010 864

NOTICE OF RULING AND ORDER

AND RELATED CROSS-ACTIONS

The certification of the election held on January 11, 1998 for members of the Board of Trustees of Plaintiff and Cross-Plaintiff Watts-Willowbrook Church of Christ having come on regularly for hearing on January 29, 1998 in Department J of the above-entitled court, the Honorable Jack W. Morgan, presiding, plaintiffs appearing by J. Stanley Sanders and defendants-cross-complainants appearing by Michael Sinkov, and after consideration of the ballots and the tally thereof by the Deputy Clerk of the Court and argument of counsel, and good cause appearing therefor,

THE COURT FINDS that the conduct of the election of January 11, 1998 for membership on the Board of Trustees of Watts-Willowbrook Church of Christ was fair and proper.

IT IS HEREBY ORDERED that the election results of the January 11, 1998 balloting for membership on the Board of Trustees of Watts-Willowbrook Church of Christ is hereby certified and that the slate of candidates consisting of Maurice L. Williams, Frank Devereaux, John L. Williams, Allen Harris, Egerton Forster, Sherron E. Williams, Lloyd Phillips, Chester Jones, Bobby Bright, and Vernon Reed were duly elected to the Board of Trustees of Watts-Willowbrook Church of Christ.

Counsel for plaintiffs is ordered to prepare the

order for the Court's signature.
DATED: 2-9-98

s JACK W. MORGAN
THE HONORABLE JACK W. MORGAN
JUDGE OF THE SUPERIOR COURT

J. Stanley Sanders
State Bar No. 043671
McKenzie, McGhee & Pryce
So. Grand Ave., 20th Fl.
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(213) 626-0999;fax(213)626-3090
Attorneys for Plaintiff
Watts-Willowbrook Church of Christ

STAMP
Los Angeles Superior 333 Court
Feb. 09 1998
sJOHN A. CLARKE, Deputy
by Jeffrey Summers, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

WATTS-WILLOWBROOK CHURCH OF CHRIST, a non-profit corporation, MAURICE L. WILLIAMS, Trustee, and JOHNNY JACKSON, Trustee

Plaintiff

vs,

THAMAR E. WILLIAMS, an individual,
MARY M. JOINER, an individual,
MONA BOULEVARD COMMUNITY SERVICES, INC., a non-profit public benefit corporation, and DOES 1 through 50, inclusive,

Defendants.

CASE NO: TC 010 864

ORDER GRANTING PRELIMINARY INJUNCTION

AND RELATED CROSS-ACTIONS

The application OF Plaintiffs' for defendants, and each of them, to show why they should not be enjoined, preliminarily, during the pendency of the instant complaint from entering upon the premises of Watts-Willowbrook Church of Christ having come on regularly for hearing on January 29, 1998 in Department J of the above-entitled court, the Honorable Jack W. Morgan, presiding, plaintiffs appearing by J. Stanley Sanders and defendants appearing by Michael Sinkov, and after consideration of the moving papers and pleadings, and the responses thereto, and the argument of counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED that Defendant Thamar E. Williams is enjoined from entering upon the premises and real property of Watts-Willowbrook Church of Christ, and any and all appurtenances thereto, at 13204 Mona Boulevard, Compton, California until further order of court;

IT IS HEREBY FURTHER ORDERED that the Stay-Away Orders previously issued by this Court, and suspended during the campaign at said Church for the election of members of the Board of Trustees held January 11, 1998, wherein Defendant Thamar E. Williams is to stay at least 500 feet from the premises and real property of Watts-Willowbrook Church of Christ, is hereby reinstated until further order of court;

IT IS HEREBY FURTHER ORDERED that the application as to defendant Mary Joiner is denied.

Counsel for plaintiffs is ordered to prepare the order for the Court's signature.

DATED: Feb. 9, 1998

s Jack W. Morgan

THE HONORABLE JACK W. MORGAN, JUDGE OF THE SUPERIOR COURT

APPENDIX N

Thamar E. Williams, et al
4130 Carlin Avenue
Lynwood, CA 90262
(310) 763-4616
In pro per

STAMP
ORIGINAL
FILED
LOS ANGELES
SUPERIOR COURT
Feb. 5, 1998
JOHN A. CLARKE, CLERK
sM. MOUTON-LEE, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

WATTS-WILLOWBROOK CHURCH OF CHRIST, a nonprofit corporation, MAURICE L. WILLIAMS Trustee; and JOHNNY JACKSON, Trustee,
Plaintiffs,
vs.
THAMAR E. WILLIAMS, et al.,
Defendant.

CASE NO. TC010864

EX PARTE APPLICATION FOR OBJECTIONS TO PLAINTIFF's EVIDENCE OF ELECTION RESULTS RESTRAINING ORDER AND DEFENDANTS RIGHTS TO AN ATTORNEY
DATE: February 5, 1998
TIME: 8:30 a.m.
DEPT.: J

Defendant, Thamar E. Williams, objects to Plaintiff's being granted by the court, on January 29, 1998 their request to be winners of the Election of

the Board of Directors of the Watts-Willowbrook Church of Christ (held on January 14, 1998), and a Restraining Order, coupled with Defendant rights being denied to an Attorney.

1. Defendant objects to Plaintiff's evidence of Election Results for the following reasons:

   (a). The court acknowledges (from the transcript records of the court held on January 29, 1998) that it has read Defendants' filings of said Declaration of Election Results in which documents' declarations to the court of evidence of massive Voter being turned away due to: life threats; intimidation's; harassment's; disturbances; interruptions; threats of violence; etc., all of which, violates the California Election Codes. These acts which turned away voters are supported by documentation of unedited video tape.

   (b). Attorney Michael Sinkov personal testimony before the court on January 29, 1998 stated that there was "chaos at the election...and also interference...and Electioneering." Again this turned away voters and clearly violated the California Election Codes. The Electioneering was due to Plaintiff'

invalid Election Ballot, which Plaintiff' insisted on using throughout the election to solicit voters while explaining to the Voters the reason for two Ballots. Ballots were reviewed and screened by Plaintiff's Election Candidates prior to placing the Ballot into the Ballot Box.

It was noted by the court, on January 16, 1998, to the defendant in the presence of Mary M. Joiner, one of the five Election Officials, that a decision could not be made without a formal court hearing designated for that purpose.

To date, this has not been done.

(c). The Election was not mandated by the five Election Officials as ordered by the court. The two Election Officials of the Plaintiff's never appeared to manage the Election. The Election begun and votes were cast at 7:00 a.m. without the two Election Officials and the fifth member (Neutral Party) to conduct the Election. Plaintiff's Attorney, Stan Sanders, exercised sole authority and control which were a clear Conflict of Interest. After the cancellation of the Election due to intimidation, harassment's, life

threats, disturbances, emotional outbursts, etc., Attorney Sanders exercised full authority to continue the Election after an agreed termination by the Election Officials.

(d). Age of voters and proper identification was not verified. Children of all ages (less than age 18) voted. If one could cite a Social Security number, one could vote. All of which is a violation of the California Election Codes.

(e). The agreed upon Election Management Controls were adopted before 7:00 a.m. by the Election Officials and were ignored and changed after the cancellation of the Election about 9:15 a.m. due to Plaintiff's default.

(f). Declaration of Election Results filed by two Election Officials on January 15, 1998 to the court, indicates massive turning away of voters, and the violations of the California Election Codes.

2. Defendants object to Plaintiff's receiving a Restraining Order based on his claims to the Election Results. The objection is made for the following reasons:

(a). Plaintiffs' seeks to enjoin a restraining order based on false Election returns

and results. It is unfair to enjoin such ruling upon the Defendant. The court is aware and has documentation with declarations in reference to the Plaintiff's Attorney, Stan Sanders, who directly interfered and manipulated the Elections' result. Attorney Stan Sanders was not an Election Official. This interference and manipulation of management election controls, in favor of Plaintiff, is a direct Conflict of Interest.

(b). The Restraining Order denies defendant of his constitutional Religious right.

(c). This Restraining Order is based on unfounded and false information that the defendant, Thamar E. Williams, caused disturbances at the Church. There are no documents filed and proven in court which reflects defendant, Thamar E. Williams causing any disturbances at the Church. On the contrary, the Plaintiff's were responsible for the outbreak of violence, disturbance of the peace, and the taking by force, the church contribution and theft of free will offerings. Please see a letter to Detective Kinney dated September 3, 1997 outlining the Time

Line of Events. Please see attached, Exhibit "A."

(d). The Restraining order violates defendants' First Amendment Rights. The court has already removed the defendant from his employment and his place of worship. This has caused him terrible burden and injury which he and his family is currently suffering. Injunctions which impact upon the First Amendment activities must be narrowly drawn if they are to avoid being over board. In Smith v. Silvey, 149 Cal. Apl. 3d 400, 197 Cal.Rptr. 15 (1983), the appellate court overturned an order on behalf of a mobile home park landlord restraining its tenant from making complaints to governmental agencies; such activities are protected by the First Amendment.

3. Defendant objects to Plaintiff having the right to deny Defendant this rights to proper representation by an Attorney. This is a clear violation of Law.

(a). This is the third, Ex Parte in pro per request in which the court has been made aware (Please see filed copies of Ex Parte motions filed on January 11, 1998 and February 2, 1998 respectively

of defendants' plea for his rights to an Attorney for proper representation and formal hearing in the matter of the Election of the Board of Directors of the Watts-Willowbrook Church of Christ held on January 11, 1998.

CONCLUSION

We pray that the court would consider these Objections to the Plaintiff's Election Results which resulted from an unfair, wrongfully handled election that intimidated and turned away voters.

Plaintiff's continuous use of Restraining order has damaged Defendants' character, family, future and career and Defendant needs an appropriate, fair and equitable opportunity to be cleared. Restraining order is based on unfounded, groundless and unproven accusations.

We further pray that the court will be merciful to the Defendant's In Pro Per representation, and rescind Plaintiff's request to deny Defendants rights to an Attorney.

DATED: February 4, 1998

s_____

Thamar E. Williams, In pro per